

Minutes
Board of Supervisors
Work Session
June 6, 2022

Members Present: Keith Weakley, Chairman At-Large
D. Keith, Guzy, Jr., District 1
Allen Louderback, District 2
Mark Stroupe, District 3
Larry Foltz, District 4

Members Absent: Jeff Vaughan, District 5

Staff Present: Amity Moler, County Administrator
Regina Miller, Assistant County Administrator
Tracy Clatterbuck, Zoning Administrator
Jeff Blevins, Director of Solid Waste Operations
Tyler Olsen, Budget Officer
Michael Helm, County Attorney

Call to Order:

Chairman Keith Weakley, called to order the work session of the Page County Board of Supervisors on Monday, June 6, 2022, at 7:00 p.m., in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street Luray, VA. The Call to Order was followed by a Moment of Silence and the *Pledge of Allegiance*.

Public Hearing:

Special Use Permit – Town of Stanley:

Chairman Weakley opened the public hearing on the special use permit for the Town of Stanley at 7:01 p.m. The public hearing was advertised as follows:

NOTICE OF PUBLIC HEARING
PAGE COUNTY BOARD OF SUPERVISORS
SPECIAL USE PERMIT REQUEST

NOTICE is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, as amended that the PAGE COUNTY BOARD OF SUPERVISORS shall hold a public hearing at 7:00 p.m. on Monday, June 6, 2022, in the Board of Supervisors Meeting Room, located in the County Government Building, 103 South Court Street, 2nd Floor, Luray, VA, to receive public comments and to consider the following request:

The Town of Stanley has filed an application for a special use permit to operate a dog park located on the corner of Marksville Road and Hawksbill Park Road, Stanley, VA, and further identified by tax map number 81-A-94. The proposed project is located adjacent to the Hawksbill Recreation Park and Swimming Pool. The parcel is currently zoned as Woodland-Conservation (W-C). The density range in the surrounding area is medium. The total acreage of the parcel is 10.75 acres; however, three acres will be dedicated for use of the dog park. Pursuant to Section 125-9.D(2) of the Page County Zoning Ordinance, commercial outdoor recreational areas and facilities are permitted by special use permit.

Chairman Weakley opened the public hearing at 7:01 p.m.

Tracy Clatterbuck, Zoning Administrator, explained the Town of Stanley has filed an application for a special use permit (SUP) to operate a dog park located on the corner of Marksville Road and Hawksbill Park Road, Stanley, VA, and is further identified by tax map number 81-A-94. The parcel is currently zoned as Woodland-Conservation (W-C). The total acreage of the parcel is 10.75 acres; however, three acres will be dedicated for use by the dog park. The proposed project is located adjacent to the Hawksbill Recreation Park and Swimming Pool. Pursuant to Section 125-9.0(2) of the Page County Zoning Ordinance, commercial outdoor recreational areas and facilities are permitted by special use permit.

The dog park is generously being donated to the Town of Stanley by Donald V. Feliciano, from Luray, VA. Bailey Legacy Dog Park, as it will be known, will consist of an area for small dogs and an area for large dogs. Each area is enclosed by a fence and the two areas are adjacent to each other. The fencing is proposed to consist of a five-foot chain-link wire fence. Parking will be installed along the dog park which will consist of approximately twenty parking spaces. There will be rules posted throughout the dog park. Four dog waste stations will be placed within the dog park and waste will be properly disposed of by park employees. The Town of Stanley Public Works Department and the Parks and Recreation Department will maintain the facility.

The Virginia Department of Transportation (VDOT) commented that this property will be served by a proposed private entrance at the VDOT approved location on Hawksbill Park Road. The proposed entrance will require site plans for review before approval. The proposed use should not have any adverse effect to the VDOT right-of-way. The Health Department commented that the dog park will not have bathroom facilities onsite; however, bathroom facilities are available at the Hawksbill Recreation Park Building which is adjacent to the proposed project. The department had no objections to the issuance of a special use permit for the dog park. The Building Official had no objections to the proposed project, but before any work begins, the applicant will be required to check to see if permits are required.

On April 12, 2022, the Planning Commission held their public hearing and voted unanimously (4-0) to recommend approval of the special use permit, with attached conditions, to the Board.

Public Comments on Public Hearing:

Terry Pettit, Town Manager, Town of Stanley, said this project has been 100% donated. He said he has spoken with the neighbors and addressed their concerns. It will have a bricked sidewalk, solar lighting, and will be open from dawn to dusk. He continued to say he was amazed at the support he has received from the community. He said people walk their dogs on leashes in town, but this will provide a place for the dogs to run.

With no further speakers during the hearing, Chairman Weakley closed the public hearing at 7:07 p.m.

Motion: Supervisor Stroupe moved that the Page County Board of Supervisors approve the special use permit for tax map number 81-A-94, to operate a dog park, with the attached special use permit conditions. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Weakley, Guzy, Louderback, Stroupe, Foltz. Nay: None. Absent: Vaughan.

SPECIAL USE PERMIT

Applicant/Owner: Town of Stanley Tax Map#: 81-A-94

Purpose: Dog Park

By the Page County Board of Supervisors

1. This special use permit is transferable and will run with the land. This special use permit shall remain with the property for a period of fifty (50) years.
2. No building or part thereof or any parking or loading area shall be located within 35 feet of any street or lot line. Parking spaces shall be appropriately marked and designated.
3. The use shall occupy a lot with an area of not less than three acres.
4. Exterior lighting, other than that essential for the safety, security, and convenience of the users of the premises, shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.
5. All proposed signs associated with the Dog Park shall be in compliance with the Page County Zoning Ordinance Section 125-20 (Signs).
6. The dog park shall be in compliance with all county and state agency regulations.
7. The applicant/owner shall comply with the Virginia Department of Transportation (VDOT) requirements provided to the applicant in the special use permit application. The improvements required must be completed within six months from the issuance date of the special use permit. This condition is subject to modification in writing from VDOT.
8. This special use permit may be revoked upon material non-compliance with the terms of the permit or upon violation of any other relevant terms of the zoning ordinance of the County of Page, Virginia. However, prior to the commencement of any action to revoke this permit, the County shall notify the permit holder in writing of the material non-compliance or violation and the permit holder shall have thirty (30) days thereafter to cure the material non-compliance or violation. The notice shall be deemed given when hand delivered to the permit holders or when mailed by certified mail, return receipt requested, to the permit holders.
9. Any material change of use or expansion of the business will require an amended special use permit.
10. The zoning administrator or their designated representative may visit the site at any time to ensure compliance with the special use permit conditions.

Review of Rezoning Request for RKA, LLC:

Tracy Clatterbuck, Zoning Administrator, informed the Board that RKA, LLC/Rodney Jenkins has filed an application to rezone property located on the corner of US Hwy 211 E BSN and Dry Run Road, Luray, VA, and is further identified by tax map number 43-A-79. The property contains 3.006 acres and is currently zoned as Residential (R). The applicant is proposing to rezone the parcel from Residential (R) to Commercial (C-1).

The parcel is located just outside of the Town of Luray limits and is surrounded by residential and commercial zones along US Hwy 211 E BSN and Dry Run Road.

The Virginia Department of Transportation (VDOT) had no objection to the rezoning request. At the time of any future development, VDOT will need to approve access to Route 211 and/or Route 667. The entrance(s) will be required to meet all current VDOT Access Management Design Standards for the proposed use, at that time. The Page County Health Department had no objections to the rezoning request. The Page County Building Department commented that if any work is done in the future, applicable permits will be required.

On May 24, 2022, the Planning Commission held their public hearing and recommended approval of the rezoning request to the Board 4-0. She recommended that the Board approve the rezoning request, as presented. Rezoning this property to C-1 is appropriate considering the parcel fronts US HWY 211 E BSN and considering its proximity to town limits and surrounding zoning districts.

Motion: Supervisor Guzy moved that the Page County Board of Supervisors hold a public hearing on the rezoning request for tax map number 43-A-79 at the July 18, 2022 work session, and direct staff to provide adequate notice of such hearing, in accordance with the Code of Virginia Section 15.2-2204. Supervisor Louderback seconded and the motion passed by a vote of 5-0. Aye: Guzy, Louderback, Stroupe, Foltz, Weakley. Nay: None. Absent: Vaughan.

Introduction of the Draft Solar Ordinance:

Tracy Clatterbuck, Zoning Administrator, said that on March 22, 2022, the Board provided a draft solar ordinance to the Planning Commission for review and consideration. The Planning Commission has reviewed the proposed draft and made revisions. A copy of the red-lined version was included in the agenda packet for review and consideration.

The Planning Commission requested that the Board consider holding a joint public hearing with the Commission on the proposed solar ordinance, on Tuesday, June 28, 2022 at 7:00 p.m.

Motion: Supervisor Guzy moved that the Page County Board of Supervisors hold a joint public hearing with the Planning Commission on Tuesday, June 28, 2022 at 7:00 p.m. on the proposed solar ordinance and direct staff to provide adequate notice in accordance with the Code of Virginia. Supervisor Stroupe seconded and the motion passed by a vote of 5-0. Aye: Louderback, Stroupe, Foltz, Weakley, Guzy. Nay: None. Absent: Vaughan.

Bid Award for Cell 11 Construction at Battle Creek Landfill:

Jeff Blevins, Director of Solid Waste Operations, reviewed the bids for Cell 11 construction at the Battle Creek Landfill. He said Phase 1 and Cell 10 have a total remaining life of 3 years capacity at a rate of 500 tons per day. However, Phase 1 and Cell 10 only have approximately 1 year of usable air space due to slope considerations and truck accessibility. Cell 11 will consist of 6 acres, have 7000,000 cubic yards of air space, and hold 560,000 tons of waste. He outlined the bid process and said on May 13, 2022, the bids were received and opened. Three were received as follows: Bright Construction Group for \$6,004,000.00, Kanawha Stone Company for \$6,352,551.81, and Glover Construction for \$12,930,945.00. He noted that construction is to begin as soon as the Board approves a bid and is expected to take 260 days to complete. Mr. Blevins pointed out that he and LaBella did not recommend Bright Construction Group, due to the fact that none of their 16 completed projects were landfill related. They did recommend Kanawha Stone Company because they have performed various cell construction and landfill general construction projects in the Commonwealth.

Mr. Blevins stated that Kanawha and Battle Creek have a good working relationship. Kanawha performed the overburden removal part of the Cell 10 project. Mr. Blevins added that the site supervisor for the project received several material quotes after their bid had been submitted and assured, they would be able to pass the savings on to the County.

Tyler Olsen, Budget Officer, reviewed how the Cell will be paid for and said there has been some delay in generating the projected revenue from the new customers. The extra revenue needed for the project will be earned during and after the construction, but it is impossible to get it before. The projected amount to move into the construction fund will be \$339,000 at the end of the fiscal year. The solutions to the delay in revenue would be to find additional customers and to finance the construction with debt and use the revenue from the new customers to pay for it. He said he is hoping the County can secure an 8-10 year loan and that it can be pre-paid with no penalty.

Motion: Supervisor Guzy moved to award the construction contract for Cell 11 to Kanawha Stone Company, at an amount not to exceed \$6,352,551.18, contingent upon securing financing. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Stroupe, Foltz, Weakley, Guzy, Louderback. Nay: None. Absent: Vaughan.

Broadband Authority Transfer of Assets and Liabilities:

Michael Helm, County Attorney, said that the Broadband Authority had passed a Resolution authorizing the transfer of the ownership of assets and the responsibilities for all liabilities and existing contract of the Authority to the County of Page. He said he drafted a Resolution that authorizes the Board to assume responsibility for the existing liabilities and open contracts and to ultimately seek and obtain approval by the appropriate governmental agencies, NTIA and NOAA.

BOARD OF SUPERVISORS OF THE COUNTY OF PAGE, VIRGINIA
RESOLUTION TO ASSUME THE OBLIGATIONS AND ASSETS
OF THE PAGE COUNTY BROADBAND AUTHORITY

WHEREAS, the Page County Broadband Authority (the "Authority") was established in April, 2009 to assist in the delivery of broadband and wireless communication services to the citizens and business of Page County, Virginia; and

WHEREAS, the interests of the County would be served by the County of Page, Virginia assuming ownership or the assets as well as responsibility for the existing liabilities and contracts of the Authority; and

WHEREAS, the County of Page finds it appropriate to transfer all liabilities, contractual obligations, and assets of the Authority once all appropriate governmental approvals are obtained concerning such transfer.

NOW THEREFORE, BE IT RESOLVED, that it is the intent of the Board of Supervisors of the County of Page to assume responsibility for the existing liabilities and open contracts of the Authority and to assume ownership of all assets of the Authority.

BE IT FURTHER RESOLVED, that the Page County Board of Supervisors authorizes its chairman to execute such documents as may be necessary to affect the aforesaid transfers, including those necessary to seek and obtain approval by the appropriate governmental agencies, including the NTIA and NOAA.

Board of Supervisors
Minutes – June 6, 2022

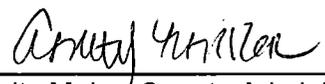
Motion: Supervisor Guzy moved to adopted the Resolution to Assume the Obligations and Assets of the Page County Broadband Authority. Supervisor Stroupe seconded and the motion passed by a vote of 5-0. Aye: Foltz, Weakley. Guzy, Louderback, Stroupe. Nay: None. Absent: Vaughan.

Adjourn: 7:54 p.m.

With no further business, Chairman Weakley adjourned the meeting.



Keith Weakley, Chairman



Amity Moler, County Administrator